

Applicants: Frank Friedland
Application No.: 10/618,075
Examiner: Q. Thanh

Remarks

Claims 1-20 are presented for the Examiner's review and consideration. Claims 1 and 15-17 have been amended. Applicant believes the claim amendments and the accompanying remarks herein serve to clarify the present invention and are independent of patentability. No new matter has been added.

Claim Objections

The Examiner objected to claims 15 and 16 because of unclear language. Applicant has amended claims 15 and 16 in accordance with the Examiner's recommendation. In light of the foregoing, Applicant requests reconsideration and withdrawal of the claims objection.

35 U.S.C. §103 Rejection

Claims 1, 5-8, and 12 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Publication No. 2004/0049138 A1 to Li ("Li") in view of U.S. Patent No. 5,247,925 to Yamasaki et al. ("Yamasaki"). Claim 2 was rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Li in view of Yamasaki, in further view of U.S. Patent No. 6,119,192 to Harrison. ("Harrison"). Claims 3 and 4 were rejected under 35 U.S.C. §103(a) as being unpatentable over Li in view of Yamasaki, in further view of U.S. Patent No. D473,949 S to Sorlie ("Sorlie"). Claims 9, 12-13, 17 and 20 were rejected under 35 U.S.C. §103(a) as being unpatentable over Li in view of Yamasaki, in further view of U.S. Publication No. 2003/0083600 S to Robbins et al ("Robbins '600"). Claims 10-11 and 18-19 were rejected under 35 U.S.C. §103(a) as being unpatentable over Li in view of Yamasaki, in further view of Robbins' 600, in further view of U.S. Patent No. 6,450,980 to Robbins et al ("Robbins"). Claim 14 was rejected under 35 U.S.C. §103(a) as being unpatentable over Li in view of Yamasaki, in further view of U.S. Patent No. 6,899,106 to Al-Killidar ("Al-Killidar").

Initially, Applicant notes that all rejections use Li. Applicant further notes that Li has a filing date of September 11, 2002. As evidenced in the attached Declaration under 37 CFR 1.131(a) Applicant had conceived and reduced to practice the present invention prior to September 11, 2002. Accordingly, Applicant submits that Applicant has priority of invention

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over Li, and as a result Li is not prior art.

In light of the foregoing, Applicant requests reconsideration and withdrawal of the section 103 rejections.

Double Patenting

Claim 1-20 were provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-12 and 14-15 of copending Application No. 10/681,736 and Li. As previously discussed, Applicant submits that Applicant has priority of invention over Li, and as a result Li is not prior art.

In light of the foregoing, Applicant requests reconsideration and withdrawal of the provisional non-statutory obviousness-type double patenting rejection.

Conclusion

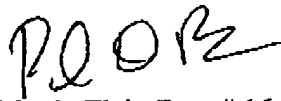
In light of the foregoing remarks, this application is now in condition for allowance and early passage of this case to issue is respectfully requested. If any questions remain regarding this amendment or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

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A fee of \$60 under 37 CFR 1.17(a)(1) for a one month extension of time is believed to be due and a Fee Transmittal Sheet with payment by credit card is submitted concurrently herewith.

However, please charge any required fee (or credit any overpayments of fees) to the Deposit Account of the undersigned, Account No. 500601 (Docket No. 732-A03-002).

Respectfully submitted,



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